

**TOWN OF ERIE  
BOARD OF TRUSTEES REGULAR MEETING 1  
Tuesday, December 9, 2014  
6:30 p.m.  
Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516**

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**I. CALL MEETING TO ORDER**

Mayor Harris called the December 9, 2014 Regular Meeting of the Board of Trustees to order at 6:30 p.m.

**II. PLEDGE OF ALLEGIANCE AND ROLL CALL**

Roll Call:	Trustee Carroll	Present
	Trustee Schutt	Present
	Mayor Pro Tem Gruber	Present
	Trustee Moore	Present
	Trustee Charles	Present
	Trustee Woog	Present
	Mayor Harris	Present

**III. APPROVAL OF THE AGENDA**

Action: Trustee Schutt moved to approve the December 9, 2014 agenda; the motion was seconded by Trustee Woog. The motion carried with all present voting in favor thereof.

**IV. CONSENT AGENDA**

- a. Approval of the November 11, 2014 Meeting Minutes
- b. Approval of the November 18, 2014 Special Meeting Minutes

Action: Trustee Schutt moved to approve the December 9, 2014 Consent Agenda; the motion was seconded by Trustee Moore. The motion carried all present voting in favor thereof.

**V. PUBLIC COMMENT**

Helene Jewett and Chris Combs of the Erie Economic Development Council provided the Board of Trustees with and update of EEDC Activities in 1014.

## **VI. RESOLUTIONS**

**a. Resolution 14-134; A Resolution Approving the 5<sup>th</sup> Amendment to the Bridgewater Annexation Agreement to Include a Traffic Signal**

**A.J. Krieger, Town Administrator**, presented staff recommendation for the approval of Resolution 14-134. Per Board of Trustee direction, Town staff has renegotiated the timing of the construction of the traffic signal at Erie Parkway and Weld County Road 5. Community Development Group and the Colliers Hill Metropolitan District have agreed to construct the signal within the next year. In addition, a second traffic signal at Erie Parkway and Colliers Boulevard will be constructed within the same timeframe.

**Action:** Trustee Schutt moved to approve Resolution 14-134; the motion was seconded by Trustee Charles. The motion carried with the following roll call vote:

Trustee Schutt	Yes
Trustee Woog	Yes
Trustee Moore	Yes
Trustee Carroll	Yes
Trustee Charles	Yes
Mayor Pro Tem Gruber	Yes
Mayor Harris	Yes

**b. Resolution 14-135; A Resolution Awarding a Contract for the Installation of Locate Wires for Fiber Conduit to the North Water Reclamation Facility**

**Gary Behlen, Director of Public Works** presented staff recommendations for the approval of Resolution 14-135. The 2014 Capital Budget includes funds for the Locate Fiber to the North Water Reclamation Facility project. The project was created to install tracer wire in the existing conduit used for the fiber optic line to enable Town staff to accurately locate this important Town facility. This fiber optic line is owned and maintained by the Town. It connects phone, internet and the computer network between Town Hall and the North and South Water Reclamation Facilities. Between the South Water Reclamation Facility and Town Hall the fiber line utilizes the overhead power poles. An Invitation to bid was posted on the Town's website on October 15, 2014 to ensure that local contractors were notified about this project. No Erie contractors submitted bids. The low bidder was Power & Communications, Inc. Power & Communications, Inc. is located in Windsor Colorado and has been in business for 30 years. Staff has reviewed Power & Communications, Inc.'s qualifications and called their references and found them to be acceptable. Staff is recommending awarding the construction contract for the Locate Fiber to North Water Reclamation Facility project to Power & Communications in the amount of \$21,340.

**Action:** Mayor Pro Tem Gruber moved to approve Resolution 14-135; the motion was seconded by Trustee Moore. The motion carried with the following roll call vote:

Mayor Pro Tem Gruber	Yes
Trustee Charles	Yes
Trustee Carroll	Yes
Trustee Schutt	Yes
Trustee Moore	Yes
Trustee Woog	Yes
Mayor Harris	Yes

**RESOLUTIONS (continued)**

**c. Resolution 14-136; A Resolution Awarding a Design Contract for Coal Creek Improvements**

**Russell Pennington, Deputy Director of Public Works** presented staff recommendations for the approval of Resolution 14-136. The 2014 Capital Budget includes funds to design improvements to Coal Creek. Additional funds for construction are planned in the budget for 2016. If a portion of the improvements to Coal Creek can be constructed utilizing the current budget, the project may be bid in two bid packages. Coal Creek is a major drainage way that enters Erie at the west side of Erie Airpark Subdivision and runs north through Erie and leaves Erie at Kenosha Road. The section of Coal Creek east of Historic Erie was improved in the mid 1990's as a flood control project which included enlarging the creek to contain the 100-year flows. This improvement removed a large portion of Historic Erie from the flood hazard area. The section between Erie Commons and Grandview subdivisions was improved in the mid 2000's when Erie Commons first began development. The improvements Erie Commons made widened the creek, added a pedestrian trail, and eliminated the need for the levee south of the railroad tracks. The remainder of Coal Creek has not been improved except a small section near a pedestrian crossing south of Vista Parkway. In 2012, the Town of Erie, along with UDFCD, and five other municipalities, sponsored a Coal Creek Rock Creek Major Drainage Way Plan. In this Plan, Coal Creek is divided into reaches. Town Staff selected two reaches for design, based on known utility and trail concerns. The first reach is adjacent to an irrigation pond that was damaged during the September 2013 flood. The pond has been repaired, but no improvements were made to Coal Creek. The creek banks are very steep and bank erosion is a problem. Along the east edge of the creek the bank is over 20 feet tall. There is a pedestrian trail and a 12-inch potable waterline east of the creek that could be damaged if the bank erosion is not controlled. Stabilizing the banks is desired to improve Coal Creek and to protect both the trail and the existing waterline. If necessary reconstructing portions of the trail and waterline will need to be included in the design. The second reach is between Vista Parkway and a taxiway crossing in Airpark Subdivision. There is a new crusher fine trail that was completed in 2013. This trail was damaged during the September 2013 flood. The trail has been repaired and is now open to the public. The creek banks are very erosive and during the September 2013 flood, the banks eroded causing several locations to be closer than desired to the existing trail. FEMA would not fund repairs to the banks of Coal Creek. In addition to the concerns for trail safety, the Town has plans for constructing a sanitary sewer that will be in close proximity to the east bank of Coal Creek. Stabilizing the banks is desired to improve Coal Creek and to protect both the trail and the future sanitary sewer. If necessary, reconstructing portions of the trail will need to be included in the design. A Request for Proposal was posted on the Town's website on October 17, 2014 to ensure that local consultants were notified about this project. One consultant (RESPEC) used a local surveyor as part of their team. Staff reviewed three proposals. All three proposals were submitted by consultants that have experience with this type of work and have worked with the Town. Staff is recommending awarding RESPEC this project based on their qualifications, approach to the project, and design cost. RESPEC has experience with this type of project design and has successfully completed two FEMA Funded projects for the Town in the past year. One is the Irrigation Reservoir Repair project and other one is the Drop Structure and Pedestrian Bridge Repair. Both of these projects are in Coal Creek. In addition to the two recent design projects they have just completed, RESPEC is the design firm that completed the Coal Creek Rock Creek Major Drainage Way Plan.

**RESOLUTIONS (continued)**

**Action:** Trustee Moore moved to approve Resolution 14-136; the motion was seconded by Trustee Schutt. The motion carried with the following roll call vote:

Trustee Schutt	Yes
Trustee Woog	Yes
Trustee Moore	Yes
Trustee Carroll	Yes
Trustee Charles	Yes
Mayor Pro Tem Gruber	Yes
Mayor Harris	Yes

**d. Resolution 14-137; A Resolution Awarding a Design Contract for Boulder Creek Improvements**

**Russell Pennington, Deputy Director of Public Works** The 2014 second supplemental budget, approved at the November 18, 2014 Board Meeting, includes funds to design improvements to Boulder Creek. Depending upon the construction cost, additional funds for construction may need to be allocated. Boulder Creek is a major drainage way that crosses County Line Road north of State Highway 52 and flows near the west edge of Erie's 1,000 acre-foot reuse reservoir. The reuse reservoir was purchased by the Town for storing reuse water from the Town's North Water Reclamation Facility to be used for irrigation of parks, right of ways and other open space. During the September 2013 flood, the reuse reservoir was damaged. The repairs to the reuse reservoir from the flood are completed and the reservoir is receiving reuse water. In addition to damage to the reuse reservoir, the east bank of Boulder Creek near the northwest corner of the reuse reservoir was eroded during the flood event. FEMA would not fund repairs to the banks of Boulder Creek. To protect the reuse reservoir from potential flood damage as the east bank continues to erode, the Town Staff desires to stabilize the east bank of Boulder Creek adjacent to the reuse reservoir. In addition to stabilizing the east bank of Boulder Creek, the design will include a diversion structure to allow decreed water to be diverted from Boulder Creek into the reuse reservoir. A Request for Proposal was posted on the Town's website on October 20, 2014 to ensure that local consultants were notified about this project. One consultant (RESPEC) used a local surveyor as part of their team. Staff reviewed three proposals. All three proposals were submitted by consultants that have experience with this type of work and have worked with the Town. Staff is recommending awarding RESPEC this project based on their qualifications, approach to the project, and design cost. RESPEC has experience with this type of project design and has successfully completed two FEMA Funded projects for the Town in the past year. One is the Irrigation Reservoir Repair project and other one is the Drop Structure and Pedestrian Bridge Repair. In addition to the two recent design projects they have just completed, RESPEC is the design firm that completed the Coal Creek Rock Creek Major Drainage Way Plan.

**Action:** Trustee Woog moved to approve Resolution 14-137; the motion was seconded by Trustee Moore. The motion carried with the following roll call vote:

Trustee Woog	Yes
Trustee Charles	Yes
Trustee Moore	Yes
Trustee Schutt	Yes
Trustee Carroll	Yes
Mayor Pro Tem Gruber	Yes
Mayor Harris	Yes

**RESOLUTIONS (continued)**

**e. Resolution 14-138; A Resolution Approving the Purchase of Police Equipment**

**Marco Vasquez, Chief of Police** presented staff recommendations for the approval of Resolution 14-138. The Erie Police Department does not have enough Tasers for every officer. The Erie Police Department would like to use unencumbered funds from their 2014 budget to purchase Tasers for each officer. The cost of 9 new Tasers, cartridges and holsters is \$15,300.00.

**Action:** Mayor Pro Tem Gruber moved to approve Resolution 14-138; the motion was seconded by Trustee Charles. The motion carried with the following roll call vote:

Trustee Schutt	Yes
Trustee Carroll	Yes
Trustee Moore	Yes
Trustee Woog	Yes
Trustee Charles	Yes
Mayor Pro Tem Gruber	Yes
Mayor Harris	Yes

**f. Resolution 14-139; A Resolution Approving the Tenth Interim Agreement With the Northern Colorado Water Conservancy District, Northern Integrated Supply Project Water Activity Enterprise, For Participation in the Northern Integrated Supply Project**

**Gary Behlen, Director of Public Works** presented staff recommendations for the approval of Resolution 14-139. The Board of Trustees previously approved agreements with Northern Colorado Water Conservancy District, acting by and through its Northern Colorado Water Conservancy District Northern Supply Project Enterprise (NCWCD) to participate in the Northern Integrated Supply Project (NISP). The Town of Erie, acting by and through its Erie Water Activity Enterprise ("Erie"), is participating in the project for a permitted firm yield of 6,500-acre feet per year of water for future water demands. NISP is a water project coordinated by NCWCD to develop additional water resources for participant water providers within northern Colorado. Erie has participated in this group for the past eleven years to cooperatively investigate (Phase I), evaluate (Phase II) and commence permitting activities with the U.S. Army Corp of Engineers (Phase III) for a new water supply to meet part of the Town's anticipated future water demands. Phase I of NISP investigated Poudre River and South Platte River water rights and potential reservoir sites in the Poudre Basin. Phase II evaluated the reservoir sites, analyzed the alternatives, environmental studies, and financial alternatives. Phase III has commenced the permitting activities with the US Army Corp of Engineers and other agencies and other National Environmental Policy Act (NEPA) compliance activities. Phase 3A (2010 – 2015) consists of additional time for the same activities noted in Phase III. Erie staff, with water resources and legal consultation, has determined that NISP has the potential to provide up to 6,500 acre-feet of firm annual water yield to partially meet Erie's projected, ultimate raw water demand. It could provide a good opportunity to acquire a large portion of Erie's water supply and flexibility within the NCWCD system with Erie's CBT and Windy Gap Units. Finally, water from NISP would be deliverable through the same facilities that deliver CBT and Windy Gap water to Erie, so separate delivery facilities would not be required. Continued participation in NISP by Erie would be pursuant to the Tenth Interim Agreement between NCWCD and Erie (attached). The participants' contributions for 2015 are shown in Exhibit B to the Agreement. Staff recommends that the Board of Trustees authorize this Agreement, which commits Erie to contribute \$260,000 for its continued participation in the Phase 3A of the NISP Project in 2015.

**RESOLUTIONS (continued)**

**Action:** Trustee Schutt moved to approve Resolution 14-139; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with the following roll call vote:

Trustee Schutt	Yes
Trustee Woog	Yes
Trustee Moore	Yes
Trustee Carroll	Yes
Trustee Charles	Yes
Mayor Pro Tem Gruber	Yes
Mayor Harris	Yes

- g. Resolution 14-140 ; A Resolution Authorizing The Town Of Erie, Colorado, To Enter Into Third Amendment To Employment Agreement With Arthur J. Krieger; Authorizing And Directing The Appropriate Town Officers To Sign Said Third Amendment To Employment Agreement

**Action:** Trustee Schutt moved to approve Resolution 14-140; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with the following roll call vote:

Trustee Schutt	Yes
Mayor Pro Tem Gruber	Yes
Trustee Woog	Yes
Trustee Charles	Yes
Trustee Carroll	Yes
Trustee Moore	Yes
Mayor Harris	Yes

**PUBLIC HEARING (continued from the November 18, 2014 meeting)**

- h. Resolution 14-131; A Resolution Establishing and Certifying the Property Taxes for the Town of Erie, Colorado in Weld and Boulder Counties for the Year 2015

Steve Felten, Director of Finance presented staff recommendations for the approval of Resolution 14-131. The Town of Erie's assessed valuation has increased from \$241,094,493 in 2014 to \$244,874,609 for 2015. This change represents an increase of 1.6% in assessed valuation. Pursuant to Colorado State Statutes, we have calculated the 2015 Operating Mill Levy to be 7.288. This property tax rate is the same as the 2014 Operating Mill Levy. Erie voters approved an additional mill levy for trails and natural areas beginning in the 2005 Tax Collection Year. This shall be certified to each county as 4.000 mills for the 2015 Tax Collection Year. The purpose of this mill levy is the construction and acquisition of trails and natural areas. Beginning in 2015 revenues arising from this mill levy may also be used for qualifying maintenance expenses. In addition, Erie voters approved an additional mill levy in 2006 for debt service on the general obligation bonds for the Erie Community Center. The bonds were originally issued in July 2006 and the first debt service payment was due in 2007. The bonds were partially refunded in 2013. This mill levy shall be certified to each county as 5.198 mills for the 2015 Tax Collection Year (a decline of 2.122 mills since the original levy). In 2014, Erie voters also approved an additional mill levy for debt service on the general obligation bonds issued to fund construction of a new

**RESOLUTIONS (continued)**

public safety facility. This mill levy shall be certified to each county as 0.878 mills for the 2015 collection year. This mill levy is less than the mill levy assumed in the ballot question. The total mill levy for general obligation bond debt service for the community center bonds and the public safety facility bonds for 2015 will be 6.076 mills. The total mill levy certified to each county is 17.364 for the 2015 Tax Collection Year. This represents an increase of 0.797 in mill levy from the 2014 Tax Collection Year. This increase is due to the new 0.878 mill levy for the public safety facility bonds.

**Action:** Mayor Harris continued the public hearing for Resolution 14-131 at 7:08 p.m. hearing no one wishing to make public comment Mayor Harris closed the public hearing at 7:10 p.m. Trustee Charles moved to approve Resolution 14-131; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

**VII. ORDINANCES**

- a. **Ordinance 38-3014; An Ordinance Of The Town Of Erie, Colorado Approving An Option To Purchase Agreement By And Among Brothers Redevelopment, Inc., The Town Of Erie And The Erie Housing Authority Providing For The Transfer Of All Assets Of The Erie Housing Authority And The Transfer Of Certain Real Property From The Town Of Erie To Brothers Redevelopment, Inc.; And, Declaring an Emergency Therefore.**

**Steve Felten Director of Finance** presented staff recommendations for the approval of Ordinance 38-2014. The Town established the Erie Housing Authority (EHA) in 1999 and built a 12-unit senior housing complex in 2001. From January 2002 through November 2012 the complex was managed by the Boulder County Housing Authority. Since then the property has been managed by Pilla Management, a partner of Brothers Redevelopment, Inc. (BRI) Small housing authorities do not enjoy the same economies of scale experienced by larger authorities. As a result of this and other factors, the Town's housing authority has never had positive cash flow. In addition, the Town does not have the staff to properly manage and operate a housing authority that receives federal rent subsidies. As a result, the Town is working with BRI to expand the number of units and ultimately transfer ownership of the property to BRI. BRI plans to finance the acquisition of authority-related assets with funds from either or both of the Colorado Housing and Finance Authority (CHFA) or the State of Colorado Division of Housing (DOH). Earlier in 2014 BRI submitted applications for an allocation of Low Income Housing Tax Credit (LLITC) in both rounds for the 2014 allocation year. Allocation of these credits is a competitive process, with two rounds of applications each year. BRI was unsuccessful in both application rounds in obtaining an LLITC allocation, but CHFA staff encouraged BRI to pursue an alternative plan that would allow for the full planned expansion in one phase, with an alternative financing plan that would potentially include funding from both CHFA and the DOH. BRI is in the process of exploring project and financing plans to pursue these potential options, which will have application deadlines on various dates during 2015. Under any of these financing scenarios, BRI is required to show that it either owns or has the right to acquire the property underlying the applications. To fulfill this requirement for the previous LLITC applications, on February 25, 2014 the Board approved entering into an option agreement providing for the transfer of the buildings and land related to housing authority operations to BRI. This option agreement expired October 31, 2014. By approval of this ordinance the Town and the Housing Authority will execute a new option agreement with BRI with the same terms as the previous agreement, with an expiration date of December 31, 2015. Staff is requesting that it be passed by emergency. This is required due to the fact that for the application processes described above BRI must show it has ownership rights in the property as of December 31, 2014.

**ORDINANCES (continued)**

**Action:** Trustee Carroll moved to approve Ordinance 38-2014 as an Emergency; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

**VIII. GENERAL BUSINESS**

**a. Sierra Vista Sketch Plan Presentation**

The proposed development proposes two curb cuts from Bonanza Drive one of which would be aligned with the private commercial street just north of Kum & Go in the Vista Ridge subdivision to the east. There is an existing drainage way at the southwest corner of the site that the applicant can utilize for storm drainage from the site. Town staff has reviewed the proposed Sketch Plan for compliance with the UDC and has provided the applicant with comments. The applicant has modified the plan accordingly. The Sketch Plan is not part of a formal application for approval of a subdivision and any comments made by the Town in reaction to a Sketch Plan shall not be binding on the Town's consideration of any subsequent Preliminary or Final Plat application, nor result in a vested property right under this UDC or State Statute. Since the Sketch Plan is conceptual only, there are no lapse provisions applicable. The applicant gave a brief presentation/overview of the proposed development and then opened it up for comments and questions. There is no formal action being taken by the Board this evening and that all comments made are non-binding on future land use applications for the proposed development.

**b. Airport Master Plan Working Paper #1**

An Airport Master Plan is a comprehensive study of an airport that describes the short-, medium-, and long-term development plans needed to meet future aviation demand. The Federal Aviation Administration (FAA) requires the Town of Erie to maintain an up-to-date Airport Master Plan (Plan) to remain eligible for federal grant funds. The current plan was developed in 2002. The FAA and the Colorado Department of Transportation (CDOT) determined that an update to the plan would be beneficial given current activity and economic conditions. An airport master plan guides the physical growth of the airport to coordinate with the future demand for services, available funding and environmental considerations. The airport master plan uses text and drawings to explain plans for future development both on and around the airport. The goal of a master plan is to provide the framework needed to guide future airport development that will cost-effectively satisfy aviation demand, while considering potential environmental and socioeconomic impacts. The guiding principle of the airport master planning process is the development of a safe and efficient airport that is responsive to area-wide comprehensive transportation planning. The Erie Municipal Airport (EIK) Master Plan study has been underway for some time now. The Town of Erie was provided grants from both the FAA and CDOT to complete the master plan. Airport Development Group (ADG) was hired to help the Town in the development of the plan. An introductory meeting for the general public was held in November, 2012. Working Paper No. 1 includes an introduction, airport inventory, and Forecast of Aviation Demand. Working Paper No. 1 has been submitted to and has been approved by the FAA. In the coming months, a series of meetings and an open house for the general public is expected in order to get early and effective input from the Board of Trustees, airport users, and the public. The next meeting will be a Board Study Session on January 27, 2015 in which Working Paper No. 2 will be introduced and discussed. Working Paper No. 2 will include Facility Requirements and Alternatives Analysis.



**GENERAL BUSINESS (continued)**

Following the Working Paper No. 2 Study Session, an open house will be held in late March or early April. After this Open House, a second Working Paper No. 2 Study Session will be held with the Board of Trustees to discuss the Open House, consider alternatives/scenarios, and solicit a preferred development scheme. The Draft Master Plan then will be created based upon the Trustee's preferred development scheme. A meeting will be planned for May to present the Draft Plan to the Board of Trustees. The Final Master Plan document is planned to be completed by the end of June. This is a very aggressive schedule for completion but the FAA has requested that the Master Plan be completed and adopted as quickly as possible due to funding for the project.

**IX. BOARD OF TRUSTEES REPORTS**

**Trustee Schutt** thanked staff for connecting the utility billing system to the website.

**Trustee Moore** asked for support from the Board to explore art work possibilities for the Erie Community Center Wall. General Board consensus was to go ahead with the repairs planned by the Recreation Staff which was short term repair using stucco.

**Trustee Charles** asked for a report on Building Permits. Marty Ostholthoff reported that are 265 permits to date with an anticipation of 300.

**Mayor Pro Tem Gruber** asked staff to bring back options for the south facing wall of the Recreation Center. A.J. Krieger in response to questions from Mayor Pro Tem provided an update on the right in and right out for the Vista Ridge Shopping Center and posting on the Town website. Mayor Pro Tem asked about the benefits of a noise ordinance regarding Oil and Gas drilling; staff will look into this.

**Trustee Carroll** asked about the progress on code enforcement at the closed concrete plant and thanked staff for the installation of strobe alarms at the Senior Housing project. Trustee Carroll noted that EnCana will be halting drilling at Vista Ridge temporarily until they can determine how to mitigate the noise.

**Mayor Harris** thanked staff for all their excellent work on behalf of the Board and Town.

**X. ADJOURNMENT**

**Action:** Mayor Pro Tem Gruber moved to adjourn the December 9, 2014 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

**Action:** Mayor Harris adjourned the December 9, 2014 Regular Meeting of the Town of Erie Board of Trustees at 9:27 p.m.

Respectfully Submitted,

  
Nancy J. Parker, CMC, Town Clerk



  
Tina Harris-Mayor